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3 BILL NO. G - 73-03-27
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5 GENERAL ORDINANCE NO. G 07-73

6 AN ORDINANCE IMPLEMENTING POWERS CONFERRED
7 ON THE COMMON COUNCIL OF THE CITY OF FORT
8 WAYNE WITH RESPECT TO CERTAIN POWERS AND
9 DUTIES OF THE BOARD OF PUBLIC WORKS.

10 WHEREAS, IC 18-1-6-15 (Burns Indiana Statutes 1972 Cum.
11 Poc. Suppl.) confers on the Board of Public Works the power
12 to condemn; rent or purchase any real estate or personal
13 property needed by the City of Fort Wayne for any public use,
14 except when a different provision for purchase is made by
15 the General Assembly of the State of Indiana; and

16 WHEREAS, said IC18-1-6-15 gives the Common Council
17 of said City the power to:

- 18 (a) Require that all such condemnations, ren-
19 tals or purchases be included in the long
20 range capital expenditure program to be
21 proposed by boards of public works, and
22 to require that such program be updated at
23 least annually, or otherwise at the discre-
24 tion of the common council;
- 25 (b) Require the board of public works, to set
26 forth at least annually estimates of needed
27 expenditures for the above purposes for
28 each successive fiscal year;
- 29 (c) Approve, amend or disapprove both the contents
30 of the long range capital expenditure programs
31 and the amounts of proposed annual expenditures,
32 in whole or in part, prior to and/or during
33 the time of adoption of municipal budgets,
34 at the council's discretion;
- 35 (d) Require the estimates of capital program
expenditures for each fiscal year to be
itemized in such manner for approval,
amendment or rejection as the council may
determine; and

WHEREAS, IC18-1-6-15 requires that the foregoing powers
conferred on the Common Council shall be implemented only by
adoption of an appropriate ordinance or ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE:

SECTION 1. All condemnations, rentals or purchases of
any real estate or personal property by the City of Fort Wayne,
except when a different provision for purchase is made by the
General Assembly of Indiana, shall be included in the long
range capital expenditure program to be proposed by the Board

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3 of Public Works and submitted to the Common Council of the City
4 of Fort Wayne on or before _____, 1973 and that at
5 least annually thereafter, on or before the _____ day of _____,
6 of each year hereafter such long range capital expenditure
7 program shall be up dated.

8
9 SECTION 2. The Board of Public Works shall on or before
10 _____, 1973 and at least annually thereafter, on or before
11 the _____ day of _____ of each year hereafter provide the
12 Common Council of the City of Fort Wayne with itemized estimates
13 of capital program expenditures for each succeeding fiscal year
14 in such detail as said Common Council with the assistance of
15 the City Controller of Fort Wayne may determine so that said
16 Common Council may pass upon and approve, amend or reject same
17 in whole or in part prior to and/or during the time of adoption
18 of the annual Municipal budget of the City of Fort Wayne.

19
20 SECTION 3. If any part, parts, section, sections, provision,
21 clause or portion of this Ordinance shall be adjudged invalid
22 or unconstitutional such invalidity or unconstitutionality
23 shall not affect the validity or constitutionality of this
24 Ordinance as a whole or any other part, section, clause,
25 provision or portion of this Ordinance.

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27 SECTION 4. This Ordinance shall be in full force and
28 effect from and after its passage and approval by the Mayor.

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Councilman

Approved as to form and
legality, J. H. Logan
Council Attorney 3/24/73

Date: 3-27-73

DATE: 4-10-73

Don A. LeMay
MAYOR

Bill No. G-73-03-27

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
IMPLEMENTING POWERS CONFERRED ON THE
COMMON COUNCIL OF THE CITY OF FORT WAYNE WITH
RESPECT TO CERTAIN POWERS AND DUTIES OF THE
BOARD OF PUBLIC WORKS.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do. PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

James S. Stier

Eugene Kraus, Jr.

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

DATE 4-10-73 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

REQUEST FOR ACTION

To: City Attorney David B. Keller
or
Associate City Attorney John Logan

From: (Name, Title & Department) Win Moses, Jr.

Approved by W. J. Moses Jr
(Person authorized to forward legal work)

Date: 3-26-73

Subject: Board of Works Itemization
(File subject designation)

File # Assigned by Records Librarian

Date: _____

Action Requested: Ordinance itemizing Board of Works Actions in
Annual hearings

(Continue on reverse side, if necessary)

cc: City Attorney David B. Keller
(If request originally sent to an Associate City Attorney)
Mayor Ivan A. Lebamoff
Department Head of Requesting Party

Admin. Appr. Moses

DIGEST SHEET

Justice
B-73-09-27

B-07-73

TITLE OF ORDINANCE _____

DEPARTMENT REQUESTING ORDINANCE Common Council President Winfield Moses

SYNOPSIS OF ORDINANCE Implementing Powers Conferred on Common Council
requiring Board of Works to submit plans for Capital Improvements

EFFECT OF PASSAGE Conform to State Law on Powers of Common Council

EFFECT OF NON-PASSAGE Non Conformance with Peersnd of Common Council by

State Law

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None

ASSIGNED TO COMMITTEE (PRESIDENT) Winfield C. Moses, Jr. - Public Works

ORDINANCE CHECK-OFF SHEET

INFORMATION REGARDING ORDINANCE

CONTENTS OF ORDINANCE

BILL NO.	5-73-0327
ORDINANCE NO.	5-07-73
<input checked="" type="checkbox"/> REGULAR SESSION	3-27-73
<input type="checkbox"/> SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	J. Logan Councilman W. Moses, Jr.
BILL WRITTEN BY	3-27-73
DATE INTRODUCED	3-27-73
REFERRED TO SAID STANDING COMMITTEE	Public Works
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	4-10-73
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
<input type="checkbox"/>	PURCHASE ORDERS
<input type="checkbox"/>	BIDS
<input type="checkbox"/>	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
<input type="checkbox"/>	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
<input type="checkbox"/>	COMMUNICATIONS FROM
<input type="checkbox"/>	ZONING MAPS
<input type="checkbox"/>	ABSTRACTS
<input type="checkbox"/>	TITLES
<input type="checkbox"/>	PRIOR APPROVAL LETTER

Original sketch
Request for action
COUNCILMAN'S VOTE

	AYES	NAYS	ABSENT
BURNS	X		
HINGA	X		
KRAUS	X		
MOSES	X		
NUCKOLS			
D. SCHMIDT	X		
V. SCHMIDT	X		
STIER	X		
TALARICO	X		

COMMENTS:

W. Moses

X